

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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CHARLES A. PEARSON,
PLAINTIFF,

*

* CASE NO. 2:06-CV-828-MEF

SGT. JOHNSON, PATROL UNIT(S),
CPL. K.L. BYRD,
CPL. C.G. GRUHN, AND
UNKNOWN NAME OFFICER(S), ET. AL.,
DEFENDANT(S),

*

*

MOTION TO AMEND 42 U.S.C. § 1983

ON OCTOBER 3RD, 2005 I ASKED AN ASSOCIATE
MR. DARRELL GAMBLE IF I COULD USE HIS CAR TO GO TO
THE MARKET TO GET SOME FOOD ITEMS FOR MY LUNCH
FOR WORK AND HOME. I WAS WORKING FOR J.B. CROSBY
CONSTRUCTION COMPANY MY WAGES WAS \$9.75⁴ FOR 9.5 HRS.
A DAY. 5 TO 6 DAYS A WEEK. ON MY RETURN HOME
THE CAR STALLED, SO I TOLD THE COMPANION IN THE
CAR TO GO AND INFORM MR. GAMBLE THE CAR HAD
STALLED DOWN THE STREET, WELL WHILE WAITING IN THE
LOT FOR MR. GAMBLE TO RETURN A PATROL OFFICER
ARRIVED AND ASKED ME TO COME OVER TO HIS CAR
I COMPLIED AND HE INFORMED ME THE CAR WAS

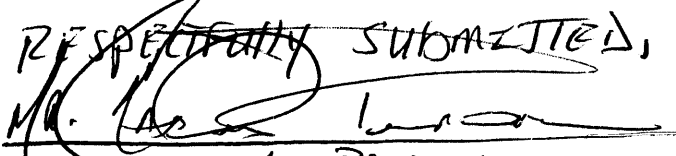
STOLEN, I INFORMED THE OFFICER I DIDN'T KNOW THE CAR WAS STOLEN AND ALSO I WAS ON PAROLE AND MR. BAMBLE HAD ALLOWED ME TO USE THE CAR AND AT THAT MOMENT AN UNKNOWN NAMED OFFICER GRABBED PLAINTIFF AND SHOVED HIM ONTO THE PATROL CAR, PLAINTIFF ASKED WHAT WAS THE PROBLEM AND OFFICER(S) BEGAN USING TASER GUNS WITHOUT PROBABLE CAUSE FOR USE OF EXCESSIVE FORCE AND STARTED STRIKING PLAINTIFF TO THE GROUND EVENTHOUGH PLAINTIFF NEVER RESISTED BUT RATHER TRIED TO SHIELD HIMSELF FROM THE ATTACK OF ASSAULT WHILE CONSTANTLY BEING STRUCK BY OFFICERS AND CHOKED WHILE THEY HANDCUFFED AND SHACKLED PLAINTIFF DRAGGING PLAINTIFF TO THE PATROL CAR LIFTING PLAINTIFF UP AND THREW HIM IN BACK SEAT OF PATROL CAR, ANOTHER OFFICER ENTERED PASSENGER REAR SIDE OF BACK SEAT AND STARTED CHOKING PLAINTIFF AS OTHER OFFICERS CONTINUED TO TASER GUNS ON PLAINTIFF AS LOCAL CITIZENS LOOK ON APPROACHING THE SEEN OFFICER(S) BEING YELLING BACK UP OR WE'LL SHOOT, OFFICER(S) CLOSED THE REAR DOORS OF PATROL CAR DOORS AND SPED AWAY WITH PLAINTIFF TO POLICE DEPARTMENT, WHILE IN THE BACK SEAT OF PATROL CAR PLAINTIFF WAS ANGRY AND DISORIENTATED AND WAS LATER SHOWN VIDEO WHERE PLAINTIFF BANGED HEAD ON PLEXI SHIELD AND WAS USING PROFANITY OF THE ASSAULT AND ATTACK.

ONCE INSIDE POLICE STATION, PLAINTIFF WAS TAKEN TO THE INVESTIGATION ROOM AND OFFICER(S) TOLD PLAINTIFF WE'RE TAKING PHOTO'S OF YOU AND I TOLD THEM I'M GETTING A LAWYER ON YOU ALL AND THE OFFICER(S) STARTED CALLING ME NIGGERS AND THEY TRIED TO PULL MY SHIRT UP AND I TURNED AWAY AND THEY STARTED STRIKING PLAINTIFF IN THE HEAD, CPL. BYRD STRUCK PLAINTIFF IN THE HEAD WITH HIS FOREARM TO THE LEFT TEMPLE KNOCKING PLAINTIFF TO THE GROUND WHILE PLAINTIFF WAS HANDCUFFED AND SHACKLED ALSO HITTING PLAINTIFF WITH HIS FIST AND KICKING HIM ALSO, CPL. GRUHN KICKED PLAINTIFF SEVERAL TIMES AND HELD HIS FOOT ON PLAINTIFF NECK AND HEAD ON THE FLOOR, CPL. BYRD AND CPL. GRUHN AND UNKNOWN NAMED OFFICERS STRUCK PLAINTIFF SEVERAL TIMES ALSO WITH THEIR HANDS AND FEET. ALL OFFICER(S) DRAGGED PLAINTIFF TO A CELL WHILE USING TASER THE WHOLE TIME OFF AND ON LAUGHING AS IF THIS WAS A JOKE, THERE BY VIOLATING PLAINTIFF'S EIGHTH AND FOURTEENTH AMENDMENT(S) OF THE U.S. CONST. CRUEL AND UNUSUAL PUNISHMENT AND DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

- * RELIEF SOUGHT: THAT MONTGOMERY POLICE DEPARTMENT CHANGE THEIR POLICIES CONCERNING USE OF FORCE IN STANDARD OPERATION PROCEDURES.
- * FIVE HUNDRED THOUSAND DOLLARS IN PUNITIVE DAMAGES
- * FIVE HUNDRED THOUSAND DOLLARS IN COMPENSATORY DAMAGES
- * SEVENTY-FIVE THOUSAND DOLLARS IN MONETARY DAMAGES
- * APPOINTMENT OF COUNSEL, DUE TO PLAINTIFF NOT BEING ABLE TO LITIGATE THOROUGHLY AND EFFECTIVELY IN RESEARCHING POLICE FILES, RECORDS AND POLICIES, AND ATTORNEY FEES
- * TRIAL BY JURY
- * ANY AND ALL SANCTIONS DEEMED BY THIS HONORABLE COURT

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: SEPTEMBER 25th, 2006.

RESPECTFULLY SUBMITTED,

MR. CHARLES A. PEARSON
182691

CERTIFICATE OF SERVICE

I HEREBY CERTIFY A COPY HAVE BEEN SERVED
ON THE FOLLOWING FOR PURPOSE OF SUMMONS :

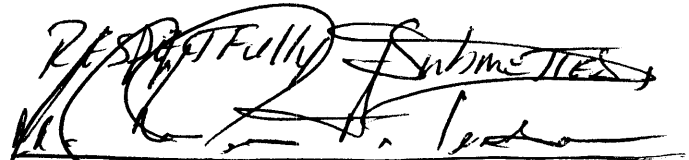
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P.O. Box 711

MONTGOMERY, ALABAMA

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ON SEPTEMBER 25th, 2006 .

~~RESPECTFULLY SUBMITTED~~


MR. CHARLES A. PEARSON
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